
TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
LSA Document #08-206

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#), which describes types of rules that do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also provide notice of a public hearing before the Water Pollution Control Board (board) concerning this [IC 13-14-9.5-1.1](#) rule review. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) and [327 IAC 2-1.5](#) establish water quality standards for waters of the state and specifically for the Great Lakes System, respectively;
- (2) [327 IAC 5-2](#) and [327 IAC 5-4](#) concern rules regarding the National Pollutant Discharge Elimination System (NPDES);
- (3) [327 IAC 15-2](#) and [327 IAC 15-4](#) concern rules regarding the NPDES General Permit System;
- (4) [327 IAC 8-2](#) and [327 IAC 8-2.1](#) establish the drinking water standards and the water treatment systems' consumer confidence reports; and
- (5) [327 IAC 8-12](#) concern the water treatment certified operators' requirements.

The Clean Water Act (CWA) is the authority for water quality standards and NPDES rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards and NPDES rules have been federally approved. The NPDES General Permit System rules are permissible under the CWA but are not required. However, as general permits are a simplified version of NPDES permitting for those categories of dischargers in one geographic area with the same or substantially similar types of operations with similar operational and monitoring requirements, they are an effective and efficient permitting tool desired by the various categories of dischargers for which general permits are established.

The drinking water standards and the consumer confidence reports are federally required under the Safe Drinking Water Act (SDWA). Indiana must have regulations as stringent as the federal safe drinking water standards and associated rules, including the consumer confidence reporting rules, so that IDEM may maintain primacy (primary enforcement authority) for the safe drinking water programs and receive available federal funding. The rules for water treatment certified operators are partially required by the SDWA as well as state statute at [IC 13-18-11](#).

LIST OF RULES

The following is a list of rules in [327 IAC](#) that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

ARTICLE 2. WATER QUALITY STANDARDS

Rule 1. Water Quality Standards Applicable to All State Waters Except Waters of the State Within the Great Lakes System

327 IAC 2-1-1	Applicability of rule
327 IAC 2-1-1.5	Water quality goals

327 IAC 2-1-2	Maintenance of surface water quality standards
327 IAC 2-1-4	Mixing zone guidelines
327 IAC 2-1-8.4	Determination of the terrestrial life cycle safe concentration (TLSC)
327 IAC 2-1-8.5	Determination of the human life cycle safe concentration (HLSC)
327 IAC 2-1-8.6	Determination of concentration providing an acceptable degree of protection to public health for cancer
327 IAC 2-1-8.8	Variances from water quality standards; conditions
327 IAC 2-1-11	Limited and exceptional use; designated waters
Rule 1.5. Water Quality Standards Applicable to All State Waters Within the Great Lakes System	
327 IAC 2-1.5-1	Applicability of rule
327 IAC 2-1.5-3	Water quality goals
327 IAC 2-1.5-4	Antidegradation standard
327 IAC 2-1.5-7	Mixing zone guidelines
327 IAC 2-1.5-12	Determination of Tier II aquatic life values
327 IAC 2-1.5-13	Determination of bioaccumulation factors (BAFs)
327 IAC 2-1.5-14	Determination of human health criteria and values
327 IAC 2-1.5-15	Determination of wildlife criteria
327 IAC 2-1.5-17	Variances from water quality standards for point sources
327 IAC 2-1.5-19	Limited use waters and outstanding state resource waters
ARTICLE 5. INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES	
Rule 2. Basic NPDES Requirements	
327 IAC 5-2-1	Purpose and scope
327 IAC 5-2-2	Requirement to have a permit
327 IAC 5-2-3	Permit application
327 IAC 5-2-4	Exclusions
327 IAC 5-2-5	Effect of permit issuance
327 IAC 5-2-6	Duration of permits and transferability of permits
327 IAC 5-2-7	Prohibitions
327 IAC 5-2-8	Conditions applicable to all permits
327 IAC 5-2-11	Considerations in the calculation and specification of effluent limitations
327 IAC 5-2-11.3	Great Lakes system dischargers antidegradation implementation procedures
327 IAC 5-2-11.7	Great Lakes system dischargers interim antidegradation implementation procedures for outstanding state resource waters
327 IAC 5-2-12	Schedules of compliance
327 IAC 5-2-12.1	Great Lakes systems dischargers; schedules of compliance
327 IAC 5-2-14	Recording of monitoring results
327 IAC 5-2-16	Permit modification, revocation and reissuance, and termination
327 IAC 5-2-17	New sources and new dischargers
327 IAC 5-2-18	Basic NPDES requirements; public access to information
327 IAC 5-2-19	Transmission of information to EPA
327 IAC 5-2-20	Enforcement
327 IAC 5-2-22	Signatories to permit applications and reports
327 IAC 5-2-23	Primary industrial point source categories
Rule 4. Special NPDES Programs	
327 IAC 5-4-1	Purpose
327 IAC 5-4-2	Underground injection of pollutants
327 IAC 5-4-4	Concentrated aquatic animal production facilities
327 IAC 5-4-5	Aquaculture projects
327 IAC 5-4-7	Silvicultural activities
ARTICLE 8. PUBLIC WATER SUPPLY	
Rule 2. Drinking Water Standards	
327 IAC 8-2-2	Applicability of rule; modification of monitoring requirements
327 IAC 8-2-3	Analytical methods
327 IAC 8-2-5.4	Volatile organic compounds; maximum contaminant levels for community water systems and nontransient noncommunity water systems
327 IAC 8-2-5.6	Analytical methods for volatile organic compounds
327 IAC 8-2-7	Microbiological contaminants; maximum contaminant levels for all public water systems

327 IAC 8-2-8.1	Repeat monitoring for total coliform bacteria
327 IAC 8-2-8.3	Collection of samples for fecal coliforms or Escherichia coli (E. coli) testing
327 IAC 8-2-8.4	Analytical methods for microbiological contaminants
327 IAC 8-2-8.6	Disinfection treatment
327 IAC 8-2-8.8	Monitoring requirements; systems that provide filtration treatment
327 IAC 8-2-10	Beta and photon radioactivity from manmade radionuclides; maximum contaminant levels
327 IAC 8-2-14	Reporting and record keeping requirements; systems that provide filtration
327 IAC 8-2-19	Public notification requirements pertaining to lead
327 IAC 8-2-20	Record maintenance
327 IAC 8-2-21	Special monitoring for sodium
327 IAC 8-2-22	Special monitoring for corrosivity characteristics and lead ban
327 IAC 8-2-32	Alternate analytical techniques
327 IAC 8-2-33	Laboratory compliance
327 IAC 8-2-35	Treatment techniques
327 IAC 8-2-36	General requirements; lead and copper
327 IAC 8-2-37	Monitoring requirements for lead and copper in tap water
327 IAC 8-2-38	Monitoring requirements for water quality parameters
327 IAC 8-2-39	Monitoring requirements for lead and copper in source water
327 IAC 8-2-40	Applicability of corrosion control treatment steps to small, medium size, and large water systems
327 IAC 8-2-41	Corrosion control treatment
327 IAC 8-2-42	Source water treatment requirements
327 IAC 8-2-43	Lead service line replacement
327 IAC 8-2-44	Public education and supplemental monitoring; lead and copper
327 IAC 8-2-47	Record keeping requirements; lead and copper
Rule 2.1. Consumer Confidence Reports	
327 IAC 8-2.1-1	Purpose; applicability; definitions
327 IAC 8-2.1-2	Effective dates
327 IAC 8-2.1-3	Content of the reports
327 IAC 8-2.1-4	Required additional health information
327 IAC 8-2.1-5	Report delivery; record keeping
327 IAC 8-2.1-6	Other required information
327 IAC 8-2.1-7	Public notification of drinking water violations
327 IAC 8-2.1-8	Tier 1 public notice; form, manner, and frequency of notice
327 IAC 8-2.1-9	Tier 2 notice; form, manner, and frequency of notice
327 IAC 8-2.1-10	Tier 3 public notice; form, manner, and frequency of notice
327 IAC 8-2.1-11	Contents of the public notice
327 IAC 8-2.1-12	Notice to new billing units or new customers
327 IAC 8-2.1-13	Special notice for exceedance of the SMCL for fluoride
327 IAC 8-2.1-14	Special notice for nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under 327 IAC 8-2-4(b)
327 IAC 8-2.1-14.5	Special notice of the availability of unregulated contaminant monitoring results
327 IAC 8-2.1-15	Notice by the commissioner on behalf of the public water system
327 IAC 8-2.1-16	Drinking water violations; other situations requiring public notice
327 IAC 8-2.1-17	Drinking water violations; standard health effects language for public notice
Rule 12. Classification of Community Public Water System and Nontransient Noncommunity Public Water System Treatment Plants and Distribution Systems; Examination and Certification of Operators	
327 IAC 8-12-0.5	Applicability
327 IAC 8-12-1	Definitions
327 IAC 8-12-1.1	Responsibilities
327 IAC 8-12-2	Classification of water distribution systems and water treatment plants
327 IAC 8-12-2.5	Reclassification of water treatment plants and water distribution systems
327 IAC 8-12-3	Qualifications of a certified operator
327 IAC 8-12-3.2	Certified operator grades
327 IAC 8-12-3.4	Grandparenting
327 IAC 8-12-3.5	Facility specific operator
327 IAC 8-12-3.6	Certified operator in responsible charge

327 IAC 8-12-3.8	Certification transition
327 IAC 8-12-4	Examination of applicants to become a certified operator of a water treatment plant or water distribution system
327 IAC 8-12-4.5	Demonstration of proficiency for applicants to become a facility specific operator
327 IAC 8-12-5	Certification fees
327 IAC 8-12-6	Certification; reciprocity; provisional certificate
327 IAC 8-12-7	Certificates and certification cards; renewal; duplicates
327 IAC 8-12-7.1	Continuing education credit; criteria for approval
327 IAC 8-12-7.5	Continuing education requirements
327 IAC 8-12-7.6	Continuing education credit; training provider responsibilities
327 IAC 8-12-8	Suspension or revocation of certification
ARTICLE 15. NPDES GENERAL PERMIT RULE PROGRAM	
Rule 2. Basic NPDES General Permit Rule Requirements	
327 IAC 15-2-1	Purpose and scope
327 IAC 15-2-2	NPDES general permit rule requirements
327 IAC 15-2-3	NPDES general permit rule applicability requirements
327 IAC 15-2-4	Administrative requirement for NPDES general permit rules
327 IAC 15-2-5	Notice of intent letter
327 IAC 15-2-6	Exclusions
327 IAC 15-2-7	Effect of general permit rule
327 IAC 15-2-8	Transferability of notification requirements
327 IAC 15-2-9	Special requirements for NPDES general permit rule
327 IAC 15-2-10	Prohibitions
Rule 4. Standard Conditions for NPDES General Permit Rules	
327 IAC 15-4-1	General conditions
327 IAC 15-4-2	Management requirements
327 IAC 15-4-3	Reporting requirements

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments. Mailed comments should be addressed to:

LSA Document #08-206 [2008 WPCB Nonsunset rules]
MaryAnn Stevens
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-40
Indianapolis, Indiana 46204-2251.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by May 2, 2008.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott
Assistant Commissioner
Office of Water Quality

[Notice of Public Hearing](#)

